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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,233	12/15/2003	Allan Coopersmith	001	4616
7590 09/08/2005			EXAMINER	
Allan Coopersmith Suite 520 5757 Decelles Ave. Montreal, QC H3S 2C3 CANADA			LEWIS, RALPH A	
			ART UNIT	PAPER NUMBER
			3732	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TRK

Office Action Summary	Application No. 10/734,233	Applicant(s) COOPERSMITH, ALLAN	
	Examiner Ralph A. Lewis	Art Unit 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-20 and 22-24 is/are allowed.
- 6) ☒ Claim(s) 14, 15 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Withdrawal of Indicated Allowable Subject Matter

The indicated allowability of dependent claims 7 (rewritten as claim 21), 14 and 15 is withdrawn in view of the newly cited reference to Dragan (US (5,676,543).

Rejections based on Prior Art

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dragan (US 5,676,543) in view of Robertson (US 3,238,620).

Dragan discloses a prior art method (column 1, lines 36, 41) that uses a "compression cap" to position a retraction cord between the gum tissue and the base of the tooth, but fails to teach that the retraction cord is a preformed integral loop as required by the claim. Robertson, however, teaches that preformed integral lopp retraction cords are old and well known. Merely using the Dragan prior art method to position a prior art Robertson cord would have been obvious to one of ordinary skill in the art.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dragan (US 5,676,543) and Robertson (US 3,238,620) as applied above and in further view of Porteous et al (4,617,950).

Porteous et al teach the use of a wet gel/paste material applied to a gingival retraction device in order to help control the bleeding that often occurs during gingival retraction. To have applied a wet gel/paste material with the Robertson gingival retraction device in order to help control the bleeding as taught by Porteous et al would have been obvious to one of ordinary skill in the art. Additionally, in regard to claim 15, the application of the gel/paste material directly to the gingival tissue to which the retraction device is applied, rather than to the retraction device itself would have been obvious to one of ordinary skill in the art as a matter of routine. (e.g most any parent knows that you can apply the first aid cream either to the band aid or the cut/scrape itself.)

Prior Art

Applicant's information disclosure statement of June 14, 2005 has been considered and an initialed copy enclosed herewith.


Allowable Subject Matter

Claims 16-20 and 22-24 are allowed.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Ralph Lewis** at telephone number **(571) 272-4712**. Fax (571) 273-8300. The examiner works a compressed work schedule and is unavailable every other Friday. The examiner's supervisor, Kevin Shaver, can be reached at (571) 272-4720.

R.Lewis
September 2, 2005


Ralph A. Lewis
Primary Examiner
Au3732